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Chair

Mr. Bill Casey

Standing Committee on Health

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● (1530)

[*English*]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): Welcome to the 101st meeting of the Standing Committee on Health.

We're here to continue our study on Bill S-228, an act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children).

We have four groups today. Each group has 10 minutes to make an opening statement.

We have from the Coalition québécoise sur la problématique du poids, Corinne Voyer, director, and Clara Couturier, research analyst, public policy. From the Sport Matters Group, we have Lindsay Hugenholtz Sherk, senior leader, and Erica Wiebe, Olympic gold medalist in wrestling. From the Association of Canadian Advertisers, we have Ronald Lund, president and chief executive officer, as well as Chris Williams, vice-president, digital. From the Childhood Obesity Foundation of British Columbia, we have Dr. Tom Warshawski, chair of the Stop Marketing to Kids Coalition.

Dr. Warshawski has a presentation, but it has not been translated into French so we need unanimous consent for him to be able to present it. The translation is in the works, but it just didn't get done in time for the meeting.

Do committee members give unanimous consent to have it only in English?

Some hon. members: Agreed.

The Chair: There are graphics he'd like to use, and we have unanimous consent.

We'll start with the Coalition québécoise sur la problématique du poids for 10 minutes..

Ms. Corinne Voyer (Director, Coalition québécoise sur la problématique du poids): Mr. Chairman, I will do my presentation in French.

[*Translation*]

Ladies and gentlemen of the committee, thank you for your welcome today.

My name is Corinne Voyer, and I am the director of the Coalition québécoise sur la problématique du poids. I am accompanied by my colleague Clara Couturier, who is our organization's research analyst in public policy.

The Coalition québécoise sur la problématique du poids is a project of the Association pour la santé publique du Québec. The coalition's mandate is to demand changes to legislation, regulations, and public policy in order to encourage the development of environments that favour healthy lifestyle choices and that contribute to preventing obesity and weight-related issues and chronic disease. The Weight Coalition is supported by around 450 partners, half of which operate in the realms of health and research, municipalities and schools, or in the areas of the environment, nutrition, and physical activity.

The Weight Coalition would first like to express its support for Bill S-228 and for the objectives set by Health Canada's overall strategy for healthy eating.

In Canada, 60% of adults and almost one third of children are overweight. The extent of the problems linked to obesity and chronic diseases has major consequences, not only on the health of Canadians, but also on the overall economy and on provincial health care systems. Urgent action is therefore required to implement a variety of prevention measures. The science is clear: poor diet contributes to the development of obesity and of a number of preventable chronic diseases.

For a number of years, advertising for food and beverage items intended for children has caught the attention of health professionals, researchers and, more recently, the Government of Canada. Advertising influences dietary behaviours, knowledge and preferences among children. The great majority of products directed at children are of poor nutritional quality and contain elevated levels of sugar, salt and saturated fats.

The Weight Coalition recommends the following four courses of action for the federal government.

First, use the Quebec act that prohibits commercial advertising directed at children and use the application guide of that act in order to specify what constitutes advertising directed at children under 13 years of age.

Second, for unhealthy food and beverage items intended for children, limit the use of trade marketing strategies using packaging, containers and displays in windows and on shelves.

Third, as a monitoring measure, require large food and beverage companies to disclose the amounts they spend each year to target children and teenagers.

Fourth, establish a program to oversee advertising directed at teenagers from 13 to 16, who are largely targeted by and sensitive to those strategies.

In Quebec, the Consumer Protection Act has banned commercial advertising to children 13 years old and younger since 1980.

Before the age of 13, the cognitive and social development of children does not allow them to grasp the persuasive intentions of advertisers or to exercise critical judgment. Children can be manipulated and are vulnerable to the advertising directed at them. When the Quebec act was tested in court, the judges recognized the cognitive vulnerability of children of that age in terms of advertising messages, as well as the unethical character of this commercial practice.

To define advertising directed at children, the Quebec act considers three criteria: the nature of the product, the way in which the message is presented, and where it is presented.

Given that the Quebec act targets all products, not just food items, it has exceptions including shop windows, shelving, containers, packaging and labelling of food products. This is why marketing strategies directed at children still exist in Quebec grocery stores. Federal legislation should fill those gaps created by the exceptions set out in the Quebec act.

If you consult the guide to the application of the Quebec legislation, you will notice that it details legal criteria that make it possible to determine whether an advertising message is directed at children younger than 13. The guide considers platforms like television, the web and cell phones. Logos, mascots and sponsorship are also considered as advertising messages that may well target children.

Since the current bill seems to exempt sponsorship from the banned advertising practices, the Weight Coalition recommends reducing the potential harm of this exemption by authorizing only sponsorship provided in a way that does not generate the interest of young people, sponsorship, therefore, that is considered to be discreetly mentioned.

● (1535)

In addition to being inconsistent in terms of the mission of some organizations, it seems contradictory to expose children to advertisements for unhealthy food and beverage items, if we want to encourage physical activity.

We also want to draw the committee's attention to the importance of criteria to define what constitutes an unhealthy food item. If the legislation were aligned with the strategy for labelling on the front of the package, as proposed by Health Canada, it is critical that the daily quantity of food items directed to children be adjusted.

Since 2009, the Weight Coalition has been pointing out commercial practices that seem to be contraventions of the Quebec legislation on foods and beverages. Those complaints are sent to the Office de la protection du consommateur, which has responsibility for enforcing the act in Quebec. A number of the allegations have ended up as guilty pleas on the part of the large companies, some of which currently take part in the Canadian self-regulatory program.

Here are some examples to illustrate how the legislation is applied in Quebec.

In 2015, Coca-Cola, the owner of the Fanta brand, was found guilty of having violated the act because of its product placement and sponsorship in a play area in an amusement park. The water games area was completely decorated in the colours of the drink brand and featured characters with bottles of Fanta in their hands. The characters were placed at a height that made them easily seen by the children. In addition, they were located next to the mechanisms that operated the jets of water. I even brought some photographs that I can distribute. Some pictures show the play area before the advertising was withdrawn and others show the area after Coca-Cola withdrew its advertising.

In 2017, Kellogg Canada admitted doing advertising directed at children on its website. The complaint dealt with puzzles and colouring activities based on the brand's children's characters. Underneath the drawings was a blue banner carrying the name of the cereals and also of the company. In addition, Kellogg provided kits for organizing birthday parties, with hats that you could print bearing the brand's characters and focusing directly on children.

In conclusion, I will say that there is a clear consensus on the need to prohibit advertising for food and beverage products that have little nutritional value and are directed at children. The government has the duty to protect children from commercial influence exercised through food advertising. In the food industry, self-regulation, through the Canadian Children's Food and Beverage Advertising Initiative, that was launched by Advertising Standards Canada, is clearly unsatisfactory, whereas the Quebec legislation has definitely demonstrated its effectiveness.

Given the prevalence of Canadians who are overweight, and the international recommendations on limiting advertising directed at children, Canada must immediately champion strategies that will have a major impact and that will allow Canadian children to grow and develop in a positive dietary environment that will encourage them to make healthy food choices.

Thank you.

● (1540)

[*English*]

The Chair: Thanks very much.

Now we'll go to the Sport Matters Group for 10 minutes.

Ms. Lindsay Hugenholtz Sherk (Senior Leader, Sport Matters Group): Thank you, Mr. Chair.

Honourable members of Parliament, I truly appreciate this opportunity to participate in this discussion as you review Bill S-228.

I'm also joined by Erica Wiebe, Olympic and most recently Commonwealth Games gold medallist in wrestling.

[*Applause*]

Erica and I are here today representing the Sport Matters Group. The Sport Matters Group is a coalition of over 80 sport, physical activity, and recreation organizations, who together promote values-based sport at all levels of the Canadian sports system. Our remarks today represent the interests and shared opinion of grassroots, amateur, Olympic, and Paralympic sport organizations across Canada.

As a sector, we welcome the federal government's efforts to improve the health of our children and youth by protecting them from unreasonable marketing tactics that promote unhealthy foods. We welcome the opportunity to distribute and amplify the important message carried by Bill S-228 across the Canadian sport community, while augmenting it with complementary messaging around the benefits of an active lifestyle. However, while we fully support any government effort to help young Canadians make better nutrition choices, there will be serious repercussions if the new legislation as currently constructed wrongly prevents the related companies and sponsorship categories from investing in sport programs for children and youth.

Sponsorship creates real opportunities for kids of all ages and backgrounds to get involved and provides a foundation so they can access sport. It helps to advance key principles of the Canadian sport policy by enabling sport activities to be more available and more inclusive. It encourages collaboration between sport organizations, governments, and the private sector, with a shared goal of improving the health of our young people.

In its currently drafted form, Bill S-228 would likely prevent, dissuade, or diminish the likelihood of partnerships in this sector for sport organizations in Canada. This would significantly shrink the available sponsorship market and prevent partnerships with brands that currently have some of the most established track records of investing in sport, physical activity, and recreation. Lack of sponsorship would result in increased costs and fewer children and youth would be able to access sport programs that are ultimately intended to help combat obesity. We are asking this committee to consider exempting sports sponsorship not only at the community level, but also those critical partnerships at the provincial and national levels, where sport organizations receive significant support that has a direct impact on the preparation of our Olympic and Paralympic heroes.

Sport in Canada is significantly reliant on sponsorship. Without private sector funding of sport organizations, events, and athletes through sponsorship and other forms of marketing partnerships in Canada, substantial portions of the system would lose commercial and financial viability. Approximately $1.98 billion is spent on sponsorship in Canada. Together, professional and amateur sport account for 53% of the sponsorship industry. Partners, such as Tim Hortons, McDonald's, Coca-Cola, General Mills, Subway, Kraft, Booster Juice, Boston Pizza, Panago, Gatorade, Clif Bar, PowerBar, Danone, Pinty's, Starbucks, Nestlé, and Wrigley's, to name a few, play a significant role in sports sponsorship. Should the food and beverage category be prevented or dissuaded from ongoing investment in Canadian sport, it would substantially diminish the market size and available funding options.

Several organizations contributed to this presentation and I want to highlight some of the impact statements they provided to us. Both Canada Soccer and Hockey Canada, two of the highest participation sports in Canada, have indicated that their affiliates at the provincial, territorial, and regional levels would lose many millions of dollars of investment in programming, impacting approximately 470,000 children participating in each sport. Those numbers do not take into account the impact of hundreds of thousands of children participating in Timbits hockey and Timbits soccer, which are managed separately and directly by Tim Hortons.

At the 2018 Winter Olympic Games in Pyeongchang, athletes supported by sponsors likely to be impacted directly by Bill S-228 won 38% of Canada' medals. Meanwhile, 20% of the medals were won by athletes who were sponsored by beverage companies specifically. It should be further noted that sponsors within this community commonly self-police with respect to responsible advertising.

● (1545)

We have heard from more than a few national sport organizations which have already been informed by existing sponsors that they do not intend to renew their investments as a result of Bill S-228. The bill is still two years away from being enacted and we are already feeling the effects in the amateur sport system.

To further contextualize the potential impact of Bill S-228 on the Canadian sports system, it should be noted that the sponsorship sales process is becoming increasingly challenging for amateur and grassroots sport in Canada. Decisions to sponsor are taking longer than ever before and are being scrutinized based on criteria against which amateur and grassroots sport typically do not perform well, such as broadcast reach, syndication, and attendance numbers.

I also want to point out how this will impact sports sponsorship at the community level. We all know that the majority of community sponsors are food and beverage companies, such as the local Subway franchisee or pizza restaurant. How will the local swim club cover the cost of providing meals for their volunteers during a swimming competition if they can no longer receive cash and value-in-kind contributions from their local restauranteurs?

We also fear a downstream impact of the bill. If organizations such as Hockey Canada and Canada Soccer are already starting to feel the pinch, what will happen to smaller organizations that do not have large participation numbers but still compete for sponsors and play an important role in creating programs for children to be active in such sports as swimming, skating, athletics, and cross-country skiing?

Speaking of smaller participation sports, I think this is a perfect segue for Erica to tell us about her story.

Ms. Erica Wiebe (Olympic Gold Medalist (Wrestling), Sport Matters Group): Hello, Mr. Chair and honourable committee members. I'm here to share the athlete's voice, and specifically the realities of Canadian athletes today.

I grew up in Stittsville, Ontario, just down Highway 417 from here, and I relocated to Calgary, Alberta, to train with the Canadian national wrestling team when I was 18 years old. For many years I was living on AAP, the athlete assistance program, as I accumulated student debt and earned a degree at the University of Calgary.

In the first summer I moved to Calgary, I worked two jobs while I represented Canada at my first junior world championships. There I came 14th.

My first sponsor came a number of years later, and it was a local restaurant that offered to give me free meals. It was huge.

Two years before the Rio Olympics, I received my first financial sponsor, who committed to support me with $1,000 a month in the lead into Rio. I went from living off my carding cheque, which was $1,500 a month to cover rent in a big city, food, clothing, and everything, to making $2,500. That was huge for me. I felt rich. That's the reality of many Canadian amateur athletes today. Through that small, impactful amount, I was able to make the decisions that allowed me to walk out onto the mats at the 2016 Olympic Games and leave no stone unturned. I had committed everything to preparing for that moment, and singing *O Canada* on August 18 on top of the podium is something that I will never forget.

Olympic moments like mine inspire the art of the possible in all Canadians, but often it becomes so much more than that single moment of inspiration. Since the Rio Olympics, among many things, I've visited the Canadian Armed Forces in Kuwait, done wrestling clinics in Iqaluit, worked with refugees in Ottawa, and spoken to over 20,000 youth across our country. Without private sponsorship, I don't know if I would have had that moment and that platform to inspire all Canadians. Private sponsorship was essential for me, and it is essential for the athletes across Canada just like me who may face the reality of chasing their dreams on a shoestring budget.

Bill S-228 as currently drafted would mean a substantial drop in private sector contributions to sport at every level, from grassroots to high performance. This in turn would mean cutting off support programs to thousands of children and youth right across the country, and it would substantially marginalize the financial sustainability of an already underfunded Canadian sports system. These obviously would be unintended and opposite effects of what the legislation is intended to do, but they are very real considerations. If the goal is to develop healthier kids, then the government should remove the barriers for youth today to access physical activity opportunities. It should also encourage more private sector sponsorship in sport in Canada, not less.

Thank you.

● (1550)

The Chair: Thanks very much.

Now we go to Mr. Lund from the Association of Canadian Advertisers.

Mr. Ronald Lund (President and Chief Executive Officer, Association of Canadian Advertisers): Good afternoon. My name is Ron Lund. I'm the president of the Association of Canadian Advertisers. With me is Chris Williams, our vice-president, digital. We thank you for the opportunity to appear before this committee.

To begin, I want to underscore that ACA shares and supports the government's objective of reducing childhood obesity. To foster this support, over the last year, ACA has chaired a steering committee comprised of the largest food and beverage manufacturers in Canada, food service and restaurant operations, and their respective national associations.

In fact, for more than a decade, food and beverage manufacturers have strived to reshape the landscape of marketing to children in Canada through the voluntary children's advertising initiative, or CAI, promoting better-for-you dietary choices and healthy lifestyles to children under 12.

As you all know, the CAI is not without its detractors, and we know we can do better. That's why industry supports regulated restrictions for advertising foods and beverages high in sugar, sodium, and/or saturated fats to children, and that these restrictions must apply to all food and beverage companies. While these regulations must be effective, they also must be evidence-based, doable, and targeted to the intended audience and outcome without costly overreach or other unintended consequences.

Even with the promised amendment to Bill S-228 to define children as being under 13, significant amounts of Health Canada's approach will in fact capture a much broader audience than just those under 13, namely adults, with obvious charter implications. Health Canada's proposed definition for "child-directed" is particularly problematic. Quoting from the document, for television, "child-directed" marketing of food and beverages would be prohibited on weekdays from 6 a.m. to 9 a.m. and from 3 p.m. to 9 p.m., and on weekends from 6 a.m. to 9 p.m.

These proposed time bans for television are tantamount to a complete ban of all food and beverage advertising. For example, of the top 100 programs reported in the fall ratings by Numeris, 60% of these programs would be captured under Health Canada's proposal, effectively banning food and beverage advertising to adults.

The definition of "child-directed" for the Internet is similarly ungrounded. The consultation document refers to child-directed marketing on the internet as including "all unhealthy food and beverage marketing on websites, platforms and apps that are popular with children, even when these digital channels are intended for adults."

Health Canada presupposes that all digital advertising works the same as broadcast. The language as written in fact would preclude most publishers and tech companies from accepting any food or beverage advertising.

A ban on food advertising to adults on television is not, and certainly should not be, the objective of Bill S-228, and exposes the bill to risks of a challenge. There's also a significant economic impact. Bill S-228, in combination with what Health Canada has proposed to support the bill, would have a serious impact on the Canadian economy, and not only on sponsorships, but in many other ways, especially with the struggling broadcast industry.

ACA commissioned an economic analysis that demonstrates the impacts of restriction on food and beverage advertising will be severe. It will reduce advertising revenues by between $860 million to $1.1 billion per year, including by $300 million to the already ailing broadcast industry. It could reduce GDP by between $5.4 billion to $7.28 billion. It could reduce employment by between 22,000 to 30,000 person-years. Wages and salaries earned by Canadians would drop by between $1.6 billion to $2.11 billion per year. Provincial taxes would drop by between $225 million to $300 million, and federal taxes would drop by between $306 million to $407 million.

It's really important to realize that the promised amendment to define children under 13 would actually have very little impact on these numbers.

We have three concerns. Our first concern is with the term "unhealthy" in Bill S-228. It demonizes food and beverages, and is out of step with other Health Canada initiatives. Second, the language and factors to determine whether an advertisement is directed primarily at children is imprecise and opens the door to regulatory overreach. Third, Bill S-228's coming into force provision leaves no time to prepare or execute.

To address these concerns, we have proposed amendments to the bill and we offer a few other proposed partnership solutions as well.

Let me start with the amendments. The actual language is at the end of the document. I had a hard time reading them, so I just summarized them here. We propose the following:

As has already been committed to, amend the age to define children as under 13. Replace all references to "unhealthy food" with the term "foods high in" as a determination by which foods can or cannot be marketed to children under 13. Right now under Bill S-228, positively regarded food products such as apple juice, cheese, and yogourt would be branded as unhealthy. In fact, defining foods as unhealthy is contrary to the current policy and practice. The Food and Drugs Act does not define "healthy".

● (1555)

Moreover, Health Canada and the CFIA prohibit the use of the word "healthy", which is considered a health claim. Consistent with the recommendations of dietitians, the terms "healthy" and "unhealthy" may be used to refer to a healthy or unhealthy eating pattern or a healthy or unhealthy diet, but not to individual foods.

The "high in" framework for nutrient thresholds is referenced in Health Canada's front-of-package labelling draft regulations and the forthcoming Canada Food Guide and should also be used, we say, to determine which foods may or may not be marketed to children, namely those with more than 15% of the recommended daily value of salt, sugar, and saturated fats.

Appropriate definitions of "high in" will also need to be developed for restaurants and other food service applications, recognizing that the DVs, daily values, should reflect the consumption of meals rather than of individual products.

The third recommendation is to revise item (ii) of proposed paragraph 30(1)(e.1) to read:

> setting out factors to be considered in determining whether an advertisement is directed primarily at children, without unreasonably limiting access by an audience other than children to that advertisement;

The extra hurdle of adding the words "unreasonably limiting" is necessary to prevent regulatory overreach, which has already been evident in Health Canada's discussion document around determining whether an advertisement is primarily directed at children.

The last recommendation concerns the coming into force date. It leaves, as I said, no time to prepare or execute. The impact of Bill S-228 will be substantial, not only for marketers but also for the broadcast media, as well as the beneficiaries of sponsorships, as we've heard, not only for amateur sports and cultural and community-based events, but for such other things as the Calgary Stampede.

As such, we recommend that the coming into force date be amended to December 14, 2022, consistent with other parts of the healthy eating strategy.

You will note that none of these proposed amendments is in the least bit out of step or inconsistent with the intent of Bill S-228 . Consequently, we urge you to adopt them.

Moving on to other Health Canada and industry partnership solutions, we have several that we'd like to talk about.

The first one is to create a regulatory framework requiring pre-clearance of food and beverage advertising to children for digital advertising. Pre-clearance for broadcast advertising is mandatory, while digital advertising is voluntary. Moving to a mandatory pre-clearance of digital would reduce exposure to food and beverage ads to children and build upon the existing regulatory framework under the Broadcast Code for Advertising to Children.

We would recommend that Ad Standards provide the oversight, monitoring, and enforcement, of course in partnership with Health Canada.

Second, for broadcast advertising, "child-directed" should be redefined as advertising where children represent 25% or more of the audience. This represents a significant reduction from the voluntary 35% child audience threshold.

As noted, the time slot ban advocated by Health Canada would virtually ban all food and beverage advertising, including that directed to adults. Audience composition measurement promotes more precise audience targeting and would deliver on Bill S-228's objective without costly overreach and, I repeat for the third time, a charter challenge.

I'll move to the third point, developing a Canadian "best in class" regulatory framework for restricting digital marketing directed at kids. Advertisers are committed to mandatory pre-clearance of food and beverage advertising to children for foods and beverages below a 15% DV of saturated fat, sugar, and sodium at a campaign level, bringing it in line with broadcast. Foods above the 15% DV threshold would not be approved for digital advertising to kids.

Working with Health Canada and IAB Canada, we will develop the most effective ways to deliver a digital reach threshold ensuring that 75% of any campaign audience is 13 years of age or older. We would also implement rigorous record keeping to ensure that children under 13 are not being targeted and were not targeted through audits, random samples, and some other things that we're looking at.

The fourth recommendation would be enforcement. As with broadcast, media would not accept food and beverage ads directed at children unless they carry an Ad Standards clearance number. In cases of digital, compliance would require companies to report annually to Ad Standards on the placement of advertising. As I said, we're looking at some more technical solutions with IAB Canada. Ad Standards would investigate and report on any complaints from the public and stakeholders regarding alleged non-compliance.

For non-compliance, Ad Standards would admonish the advertiser to ensure that the issue is resolved and does not recur. Ad Standards would also publish annual compliance reports, identifying any non-compliant advertisers. Further enforcement, such as fines and criminal charges, would be administered through the regulation by CFIA.

● (1600)

In conclusion, I want to reiterate that we do in fact support the government's objective of reducing childhood obesity. To help achieve this point, our member companies have unique experience and insights to commit meaningful, multi-faceted, multi-stakeholder approaches to healthy eating and to the effective restriction of food and beverage marketing to children. We ask, however, that such strategies and measures be implemented without unnecessary regulatory overreach and economic harm from inadvertent prohibition of the lawful and constitutional right to market foods and beverages to adults.

To support this, we again urge that the aforementioned amendments be adopted by this committee.

Thank you.

The Chair: Thank you.

Now we go to Dr. Tom Warshawski from the Childhood Obesity Foundation.

Dr. Tom Warshawski (Chair, Stop Marketing to Kids Coalition, Childhood Obesity Foundation): Thanks, Mr. Casey.

Thanks for allowing the group to have a look at the graphs; otherwise, my talk won't make a lot of sense. Hopefully it will otherwise.

I'm Dr. Tom Warshawski. I'm a consultant pediatrician working in the trenches with children and youth in British Columbia. I'm also the chair of the Childhood Obesity Foundation and the chair of the Stop Marketing to Kids Coalition, which is a coalition of NGOs from across Canada. It represents all of the major health-oriented NGOs, including the Heart and Stroke Foundation, Dietitians of Canada, Diabetes Canada, Canadian Cancer Society, Food Secure Canada, and the Canadian Medical Association, all of which have come together over the last four or five years because we feel that this issue is so very important.

I'm going to make a few points and then go to the graphs so that I can show you graphically what this is all about.

The number one point I want to make is that an elevated BMI, or obesity, is strongly associated with adverse health outcomes. They range from type 2 diabetes to heart disease, cancer, stroke, and hypertension.

Almost all excessive weight gain is due to dietary factors. It's not an issue of inadequate physical activity. The food industry has attempted to deflect the issue to being one of inadequate exercise. That's simply not supported by the evidence.

The third thing I want to say is that the ill health associated with an elevated BMI is not due simply to the fat mass. Fat is a metabolically active tissue. It secretes cytokines, which have actions at distal organs, but irrespective of your body weight, if you're eating the wrong types of foods, you raise the risk of diabetes, heart disease, and cancer. It's not simply linked with obesity.

It's not that we have to worry only about that 30% of kids or that 60% of adults are overweight and obese. Food is very important, so much so that the global burden of disease estimates that diet-related disease now kills more Canadians than smoking. It's not that smoking is so much better, there's just less of it right now. Smoking is decreasing, and we have an increasing burden due to dietary factors.

Excessive weight gain in children and youth is important not just because of the long-term effects in adulthood, but it's important to children and youth in and of themselves. It's associated with joint problems from carrying this extra weight. It's associated with asthma. Those cytokines, which I talked about, that fat cells produce also work in the lung to trigger asthma and sleep apnea. Mental health issues, both bidirectional anxiety and depression, can cause overweight and obesity or are associated with it, but also, overweight and obesity cause those problems in children and youth.

We are seeing adverse metabolic effects, such as high blood lipids, hypertension, and impaired glucose regulation, in preschoolers who are overweight and obese. A study in Italy looking at overweight and obese preschoolers showed that one-third had some adverse metabolic effect.

When we look at Canadian data on children who are overweight and obese between the ages of 6 and 17, one-third or more had adverse metabolic effects. We are seeing an epidemic of the metabolic syndrome. Some 3% of Canadian adolescents have metabolic syndrome, which has lifelong ramifications. It can also affect cognition in adolescents.

These are big problems right here and now.

To illustrate the effects of poor diet, I'm going to show you the graph on growth charts. There are a couple of utilities there to show in the growth charts just how it's put in place or, when we talk about childhood obesity, what it means. It's defined by growth centile. We look at what the overweight range is for adults. A BMI between 25 to 30 is overweight; above 30 is obese.

If we look at this particular case of Zachary, whom I first saw at age 10 for his asthma, things are going relatively well. His parents divorced. Things did not go so well; diet went down the tubes. Dad was busy trying to manage everything. Mom left the province. He began to eat a lot of junk food.

What you see is that his height continued on its normal trajectory, because that's genetically endowed, and his weight began to go up, up, up. What you see on the next page is the dramatic increase in his BMI. This was not due to a lack of exercise. It was strictly due to what he was eating.

This isn't just Zachary. This represents 30% of children and youth across Canada.

I read the riot act to Zachary and his parents, and Zachary stormed out of the office in tears because I said he couldn't drink sugary drinks anymore—no juice, no pop, and no more processed foods. To their credit, they made these changes; his weight stabilized, and the BMI dropped. That's very hard for a family to do.

People say, "Well, isn't this the family's role?" When you look at families, in 60% of families, both parents are working, and 15% of families are run by single parents. In 15%, the parents have low literacy, and 15% are recent immigrants; 10% have low income; 10% have mental health issues. The average family, then, is struggling; they're just trying to get by. We cannot create a milieu in which these children and these families can be exploited.

● (1605)

What I also want to talk about is the fact that we know what constitute healthy and unhealthy foods. I have two diagrams that I want to show you. The one with the coloured arrows is from Mozaffarian, in *Circulation*. This is a compendium of best practices from 2016. The blue area shows the foods that are clearly beneficial in terms of cardiometabolic health, obesity, cancer, and hypertension. They are fruits, nuts, fish, vegetables, vegetable oils, whole grains, beans, and yogourt, almost none of which are advertised to anybody, never mind children and youth.

The ones that are clearly harmful or unhealthy are the refined grains, starches, sugars, processed meat, and high-sodium foods. Industrial trans fat will no longer be a problem because it's being expunged from the food supply. These foods are the ones that are heavily marketed to children and youth, and they are harmful. They're harmful now, and they're going to be harmful into the future.

It seems only reasonable that foods with clear benefits should be marketed to children and youth. Appendix 4 has data from Canada. This is from Mary L'Abbé's shop at the University of Toronto, which is looking at the association of various foods with obesity in Canadian adults. The issues are the same. The same foods are associated with overweight and obesity in adults, and it is the same foods that are preventing overweight and obesity. You should be eating the fruits, the vegetables, the yogourt, and the whole grains. You should be avoiding the fast foods, carbonated drinks, refined grains, solid fats, and processed meats, which are the ones that are being marketed to children and youth. They're also being marketed to adults.

This is the association. When you look at someone's overweight and obesity and ask them what they've eaten, you flip that around and you give dietary advice to people. If you can implement that advice, and if people take that advice, you get an improvement in weight status. A very recent study just came out in JAMA, in February 2018, from Charles Gardner at Stanford. With 600 adults, they were comparing a low-carb, high-fat diet to a high-carb, low-fat diet. In fact, they found that they were equally as effective as long as people ate healthy.

Eating healthy had four major components. One, cut out all the sugars: sugary drinks and foods with added sugars. In Canada, 66% of the processed food has added sugars. As well, cut out the processed foods and the refined grains. Also, diminish the fast-food intake. Last, cook and eat at home and increase the vegetable intake. When people could follow these rules, regardless of whether it was high fat or low fat, 75% lost weight. They improved their blood pressure and their metabolic parameters. A third of them went from having metabolic syndrome to no longer having metabolic syndrome.

We know what constitutes a healthy diet, and we know what Health Canada has to do to explain that with understandable daily values.

Other points I want to make are around the issue of children and children's vulnerability. It's intuitively obvious that someone under the age of five who believes in the Easter bunny can be manipulated by marketing. It's less intuitively obvious how manipulable or vulnerable teens are. Towards that end, I want to give you a three-minute talk on cognitive neuroscience. This is condensed, of course. It's appendix 5.

The part of the brain that's responsible for logical thought, for reasoning, is the prefrontal cortex. It develops in a slow, linear fashion from birth up until age 25. It's constantly evolving. As that's evolving, however, puberty intercedes. Those of us who have teenagers or who have been teenagers understand that very real behavioural changes occur. These are hard-wired changes. They are the result of the surge in testosterone and in estrogen, which cause brain changes.

What our diagram shows is the ventral striatum, the area at the base of the brain that is responsible for reward seeking and for discounting risks. That gets a huge surge in activity with puberty, which diminishes over time. That's why Red Bull has such a great appeal for kids and teens; when they see these guys sailing on their mountain bikes over these castles, they ask what could go wrong.

Another area that gets a big surge is the area of the amygdala and the hippocampus. These are the emotional centres. They actually grow in size with puberty. This has been documented by MRI. Associated with that is an increased role of emotion in decision-making. The beverage companies in particular...Coca-Cola is very good at tweaking those strings in their advertising. These ads are aimed at teens. They're not aimed at younger kids.

● (1610)

The other area that is important is that of the diffuse cortical changes in the temporal lobes. These are the areas responsible for social affiliation. There is a natural tendency for teens to shift their affiliation from their parents and adults to other teens. This type of behaviour goes across all mammalian species. It does have an evolutionary role, because it triggers the individual to seek novelty, to take risks, and to expand their territory.

What happens in these kids is really a control imbalance. If you look our last graph in appendix 6, what you see is a gradual increase in prefrontal cortex function, which is moving along merrily. That's why your 10-year-old thinks better than your five-year-old.

The Chair: Doctor, I need you to wind up pretty soon.

Dr. Tom Warshawski: Okay.

Puberty intercedes and, all of a sudden, risk-taking happens. If you wait it out, they'll get better.

The bottom line, I think, is that we know what has to be done. The government definitely has to move to protect children and youth in all age groups. From the coalition's perspective, we can understand the government taking a step to take a strategic retreat on the age limit, from 16 and under to under 13. This should be a strategic step.

Over the next few years, marketing to teens has to be monitored, and there have to be some meaningful steps to protect teens. In terms of sports sponsorship, we understand how vital it is for kids to be engaged in sports. Over the monitoring period, we would like to see the role of sports sponsorship being monitored and government looking at alternatives to sponsorship for these vital programs aside from the food industry.

I'll leave it there. Thank you.

The Chair: Thanks very much.

We're going to our first round of questions. These are seven-minute rounds.

I'm going to start with Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

I have a quick question, and then I will share the rest of my time with my colleague Dr. Fry.

My question is for the Canadian advertisers.

You've painted a pretty dark picture of the devastated advertising landscape that will ensue if this bill is passed and of cascading government revenues, and so forth. It sounds like there are no products that are not harmful to kids that would be marketed in these time periods. Is that true? Are there not products out there that people will want to advertise to get kids to ask their parents to buy for them in order to help fill in the advertising slots in those time frames?

Mr. Ronald Lund: Our devastation isn't coming from the lack of advertising to kids. We're in fact supportive of restrictions of high-end foods to children. What we're worried about is the way the legislation is being dovetailed with what's come out of Health Canada in their document: it would actually affect adult advertising.

Let me give you an example of that. I've talked about the ban thresholds. One of the ban thresholds is from 3 p.m. until 9 p.m. The Keg—I don't think anyone here would think they're advertising to children, and that's why I choose to use that as an example—will have a steak with a fully baked potato with sour cream, etc. This clearly is going to be high in saturated fats, quite likely, and maybe even in sodium. At night, at 8 or 8:30 p.m., airing that would not be allowed. They will see a beer ad, but they will not see that food ad at the current trajectory of the two pieces of work that are dovetailing. As for our concern, the devastation doesn't come from the lack of advertising to children: it comes from the ability to target adults.

● (1615)

Mr. Ron McKinnon: It seems hard for me to see that an ad advertising a baked potato is going to appeal to a child or that it is going to be seen as being directed at a child.

Mr. Ronald Lund: That's where the legislation is taking it, though. That's why we're concerned about that.

Mr. Ron McKinnon: I see.

Thank you.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thanks very much, Ron, for sharing your time with me.

It seems to me I've heard this song before. I'm addressing this to advertising and to sports. I was around this block when cigarettes were being advertised and promoted at all the festivals, at jazz and sports and everything. People said, "Gee whiz, we're never going to get any money once you cut this." But we did it because we knew that just like drinking a beverage that's high in sugar, there's only one way to drink that beverage. Cigarettes were very harmful because if you use them as directed, you will get sick. We had to target cigarettes.

Eventually, the government phased out advertising and phased out promotion in some of the important arenas like sport. I'm not saying you don't need the money and the sponsorship. But we actually moved it, and the government played a role in helping to do some sponsorship. Today no one talks about the lack of tobacco advertising and promotion.

I heard a sports group talk about restaurants. Obviously, restaurants have options. They can promote healthy food. Restaurants may have an incentive to start talking about salads, to start talking about greens and fruit, lower sodium in some of their foods, low-fat milk, and so on. That's possible. I see no reason that we cannot look at how we set guidelines for restaurants. They actually can target and can advertise. I've seen that change happening in restaurants like McDonald's and Tim Hortons. People are looking at healthier alternatives. When we talk about the beverages, I don't see any alternative. No matter how you spin it, if you start using pop, it will increase type 2 diabetes. We know that the sugars are terrible. Even by advertising and telling kids that it's okay if they drink Coke Zero or Diet Coke or whatever.... We know that's not actually true.

Basically, then, I do think this could be seen as not a negative thing—I hear you about the timelines, and I hope those things are negotiable in terms of adult advertising times—but it could be seen as an incentive for restaurants, fast-food restaurants, beverages, and other products that are being sold today to start changing their menus and changing the way they produce their product. Why is it that a small carton of yogourt, which is good for you, contains 15 to 25 grams of sugar? Why? We know that sugar is addictive. Once children get sugar at a very early age, they crave sugar from then on. Adults do too.

Let's look at what this benefit is. You talked about jobs and about how taxes to the government, etc., would be diminished. I'm saying to you that the government already carries the can for all the type 2 diabetes, all the cardiac disease, all the high blood pressure, all the kidney disease. Those are health costs to the government, so it is in the government's best interest, and in the best interest of citizens, to move in this direction.

I'm using tobacco as a good example of how you could move forward without denying the sponsorship abilities of other people to come in and take their place. It is an incentive, I think, for menus, restaurants, and products and beverages to start looking at what they are marketing and the amount of sugar, etc., in their products. I do not think Red Bull should be targeted to children at all. We looked at this in the health committee a few years ago. We've had incidents of children dying because of having two or three Red Bulls on a hot day and having all that caffeine and all that effect on their hearts.

I just wanted to say that I hear you, but I think we should flip this and look at it from a positive perspective and at what can happen for the sports groups, etc., with changing sponsorship and having other people step in with healthier alternatives.

Thank you.

● (1620)

The Chair: Does anybody have an answer in three seconds?

Ms. Lindsay Hugenholtz Sherk: I would appreciate the opportunity to respond on the tobacco, but it wouldn't take three seconds.

The Chair: Just do your best.

Ms. Lindsay Hugenholtz Sherk: I actually have some specific speaking points. I appreciate your raising tobacco, because there are a lot of misconceptions about how tobacco impacted sports sponsorship.

To begin, I think it's interesting that neither Erica nor I—Erica is a millennial and I come from generation X—have any recollection of tobacco sponsoring amateur sport. We were both under the age of 17 and at that impressionable age and stage when tobacco sponsorship was at its peak, and then it was phased out in the early 1990s.

Through my research and speaking with experts in the area of sports sponsorship, I've learned that community sport and very few national sport organizations benefited from tobacco sponsorship. Tobacco primarily sponsored car racing, professional golf, and professional tennis.

I would also like to offer that the world of sponsorship today is far more sophisticated compared to sponsorship back in the 1980s and 1990s when tobacco was relying primarily on advertising billboards and signage throughout the venues. Today, sports sponsors are focused on experiential activation through social media, creating personalized experiences, and using the latest digital solutions to attract more customers to their brand and increase subscribers.

My last point is that there is no comparison between the tobacco sponsorship back in the 1980s and 1990s and today's reality. If food and beverage companies were no longer permitted to invest in sport today, over 470,000 children participating in Hockey Canada programs and 475,000 children participating in Canada Soccer programs would be impacted. We believe the impact would result in either cancellation of these programs, because they would be cost prohibitive to Hockey Canada and Canada Soccer, or fewer children and youth being able to afford to participate in these programs.

The Chair: Thanks very much.

Now we go to Mr. Webber.

Mr. Len Webber (Calgary Confederation, CPC): Thank you, Mr. Chair.

Thank you to the panel for presenting to us.

I want to start off by focusing on our recent Olympic and Commonwealth Games champion, Erica Wiebe.

Again, congratulations. Canada was proud and continues to be proud of you. Great job.

I want to talk a bit about your life before you won the Olympic gold medal and you were at the University of Calgary, in my constituency. As a matter of fact, you are a constituent of mine. I just want to throw that out there.

On your life at the University of Calgary, you mentioned in your presentation that it's tough as a student to get by, especially for one who is a high-level athlete as well. You mentioned that you received an extra $1,000 a month from a sponsor while you were in university and how that impacted your life in a significantly better way.

Did you feel that extra bit of funding played a role in your success at the Olympics and beyond, and in your success at the university?

Ms. Erica Wiebe: To clarify, I had finished my first degree from the University of Calgary, and I was proceeding part time with a second degree as well as pursuing qualifying for the Rio 2016 Olympic Games. I was pulling back a little from my studies in pursuing a second degree and focusing my time and energy on training full time as an Olympic hopeful.

As I said, the athlete assistance program at the time was $1,500 a month, and we were paid every two months. As you can imagine, living on $3,000 to get by for over 60 days or so made it a little tight as an athlete living in the city of Calgary—a great constituency, by the way.

Mr. Len Webber: It is expensive, though.

● (1625)

Ms. Erica Wiebe: Yes.

It was two years out from our Olympic qualifier which was in December 2015. A private sponsor—their son was a varsity team member of mine—reached out and offered to support me as I pursued the Olympic dream. I have told this individual, and I'll tell you today, that without that additional funding, I don't think I would have been able to step on the mats in Rio to able to do what I've done. For you, $2,500 a month might not seem like a lot, but to an amateur athlete at the time, it made a difference. I'm not currently sponsored by a food and beverage company, but many of my teammates are.

Talking to our reach on social media and the constantly evolving landscape of marketing today in Canada, I have about 13,000 followers on Instagram, which is one of the most prevalent social media platforms for our youth today. Only 6% of my audience is between the ages of 13 and 17. The access for youth today to be changed or influenced is tricky, and it's an interesting domain, but I believe the impact that Canadian athletes have on influencing kids to pursue healthy lifestyles, full balanced wellness mentally, physically, and emotionally through physical activity is paramount. That's why I'm here today sharing my story.

Thank you.

Mr. Len Webber: You said that your teammates currently are accepting sponsorship monies from food and beverage and that you're not. You won the gold medal. You are the champion of the sport. Why have you not had that opportunity, or have you chosen not to accept those sponsorships?

Ms. Erica Wiebe: Teammates is a loose term. It's more like other athletes across other sport domains. I'm in the sport of wrestling in Canada, so there's not a lot of marketability, I guess, on my sport in particular. I guess that would be the issue there.

Mr. Len Webber: I would imagine that now you're in big demand for advertising, especially with—well, not especially, but also with —unhealthy food sponsors. Are you not?

Ms. Erica Wiebe: I think it's interesting to be an amateur athlete in Canada today. I think the landscape is changing in terms of the quadrennials. We just finished the Pyeongchang games, so a lot of the sponsorship dollars and advertisements were focused on winter athletes. It will be interesting to have the conversation on my experiences as the world and Canada shift toward the Tokyo 2020 games. It's my goal to be there. I'm open for sponsors.

I do a lot of advocacy work. I'm an ambassador with KidSport Calgary, Fast and Female, and Right to Play. PepsiCo is a huge sponsor of KidSport Calgary, and provides dollars to youth who can't afford the funds that are involved in amateur sport. I do a lot of work for them.

Mr. Len Webber: When you see an athlete on the front of a Wheaties or Cheerios cereal box, does that give you inspiration to work harder as an athlete to perhaps one day aspire to be on a cereal box?

Ms. Erica Wiebe: I think everyone wants to be on a Cheerios box. What I try to do in terms of my athlete brand and what I support is to look for authentic partnerships in what I believe in.

I believe in healthy living, and I believe in a balanced lifestyle. In the future, if I'm involved in support.... I think as an athlete that it's a 10-year journey to get to the Olympic Games. I know mine was. I would be remiss if I said I didn't enjoy a Timbit or two on the way, but what I represent, I think, is a well-balanced, healthy attitude towards life. When I'm looking at sport partnerships, it's about being authentic to my values and to a healthy lifestyle.

I think we athletes today are not just slapping logos on our suits. I think we're advocates for fair play, for equal pay, for everything, for our values. I think all athletes are very intentional about the platform that we have as role models in Canada.

Mr. Len Webber: Thank you.

The Chair: Thanks very much.

Ms. Ramsey, you have seven minutes.

Ms. Tracey Ramsey (Essex, NDP): I think it's a wonderful day to be at the health committee. I'm normally on the trade committee, but I'm happy to be here for a variety of reasons.

I think this conversation is so critical right now to our country. I have two sons who are 15 and 17, so they're right in this target area.

Dr. Warshawski, when you were discussing puberty, certainly my life right now involves dealing with all of these changes. However, I also have a son who has struggled with his weight, so I know the impact of that and the psychological ramifications in a home.

I think that at this table today we're missing the voices of families and children who are in this one-third of Canadians who are suffering from obesity and the challenges it takes to overcome that. I appreciate, Dr. Warshawski, your sharing the story of Zachary with us because I think that's the voice that's missing today: those who really are struggling and trying to correct this under a lot of outside pressure.

I will direct this question to Corinne and Clara.

You talked about these advertising techniques that exist for kids. Certainly, the world has changed from when I was a teenager. Kids have a lot of non-traditional sources, like social media, apps, and games. My sons are gamers. All this is being directed.

Can you speak to what you see in how that expanding market is impacting children? Then if anyone else wants to weigh in on that as well.... I think it's really difficult for us as adults to understand how deluged our kids are by this messaging, and it's coming at them from every angle.

I would welcome your comments on that.

● (1630)

Ms. Corinne Voyer: I will do it in French. I will speak slowly for the translation.

[*Translation*]

In Quebec, children are fortunate in that they are protected from advertising. It has been shown that young Quebecers are clearly less exposed to advertising than those in the rest of Canada. The problems are in our grocery stores where all the children's food products feature characters or bright colours to attract them. In Quebec, we have no control over that. That is why we are of the opinion that Canadian legislation should make sure that advertising on cereal boxes is a little more suitable, as has been done in Chile.

In grocery stores, displays are designed and organized so that children have the products right at their eye level. Products are positioned and cross promoted. In our opinion, the problem for children is mostly in grocery stores and to a lesser extent in restaurants.

In Quebec, the main complaints have been against large companies like Coca-Cola and Kellogg. The companies have adopted a voluntary code, with which they do not comply. The strategies are diverse. I will let my colleague Ms. Couturier discuss that issue.

With regard to teenagers, that is another dynamic that we can talk about. Certainly, there is advertising that targets teenagers, but fortunately, in Quebec, children are considerably less exposed.

Ms. Clara Couturier (Research Analyst, Public Policy, Coalition québécoise sur la problématique du poids): I would add that, in Quebec, there are few economic catastrophes related to the ban on advertising to children. As Ms. Hugenholtz Sherk noted, advertising strategies are much more sophisticated than before. The situation is not at all the same. Studies prove and literature reviews are clear: food advertising influences young people's preferences, behaviours and attitudes. We cannot repeat that enough today.

[*English*]

Ms. Tracey Ramsey: Thank you.

Does anyone else want to comment?

Dr. Tom Warshawski: Sure. I think what you've said underscores the need to take a wide view of marketing and not just television advertising. That said, probably 70% to 80% of the marketing aimed at children and youth is through television, but more and more of it is on the digital platform. Monique Potvin Kent has done some research on this. I think she appeared before your committee last week.

Especially in that younger demographic, those under 13, they are streamed to a few company websites for advergaming. These are sophisticated ways to increase the exposure that the child would have to the product. It's not that hard to find those sites, and it's not that hard to actually regulate those sites.

As they get older, teens are much more dispersed in where they go to. That I don't think is insurmountable, but it's an extra order of difficulty in protecting teens. As Ron Lund was saying, there's the issue of having a legally defensible defence for teens and not overstepping in terms of the ability to market unhealthy products to adults, and I don't know whether we want to be doing that either, but in any event, we have to draw a line someplace.

I think it's doable. One of the good things that the Minister of Health announced was a substantive budget over the next five years to monitor where the advertising and the marketing are going, to make sure that these regulations are as effective in the under-13 demographic as they're supposed to be, because Quebec has had some issues that way, but also, then, to look at what's happening to teens.

This amendment to the legislation isn't, as I take it, "don't worry, you can have all you want, at the teens...". It's that, okay, right now we're making a strategic retreat, and we're going to take a legally defensible position. We still should protect teens, but we have to figure out how to do it in a way that doesn't run into a charter challenge.

Ms. Tracey Ramsey: I think that leads into my next question.

I'm going to read part of a *Globe and Mail* op-ed that you did in 2016, because this really is about the ages from 12 to 17, and I think there's that critical period of time. It stated:

> Since 1979, the number of Canadian children with obesity has tripled, with almost one in three children now having excess weight. Increases have been highest among youth aged 12 to 17.
>
> Evidence shows that obesity rates are influenced by the amount of marketing kids are exposed to, and it puts them at risk for many health problems, including heart disease, stroke and diabetes.

Given this, do you believe that there's any public health justification for reducing the age? I acknowledge what you're saying about the minister, but how do we monitor during this period? What is effective monitoring to ensure that this reduction in age is justified?

● (1635)

Dr. Tom Warshawski: I think it's going to be difficult but not impossible. I think that much can be done through watching the advertisements, to see if there are particular attributes to those ads that clearly identify teens—and they're there. Again, I'll point to the beverage industry, because they do the best job at advertising to teens. They have teens on their website talking about how they get more friends with this, and asking them to share their likes with other friends. There are some obvious ways they target teens. Having teens in the ads, for instance, makes them much more appealing to teens. I have to chuckle. I was watching *Hockey Night in Canada* the other night, and they had the guy with the beard eating his Frosted Flakes. I'm actually not that worried about that ad. I don't think it's going to appeal to too many 16-year-olds and 17-year-olds. So there are ways to sell unhealthy foods to adults without infringing on kids. I think there are ways to do it. It's going to take a little bit more study.

The Chair: Thank you very much.

Dr. Eyolfson.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Thank you, Chair.

Thank you, everyone.

I'd just like to add some clarification to an earlier piece of testimony on the claims about the relative lack of tobacco advertising in sports.

Tobacco companies used to be major sponsors of Major League Baseball. They were sponsors of World Cup skiing up until the 1980s. The World Cup was actually called the Export "A" Cup because it was sponsored by Macdonald Tobacco. There was an official cigarette of the 1984 Olympics. Cigarette advertising used to be much more pervasive than we give it credit for.

Mr. Lund, something kind of stood out here. You were concerned about the time periods. You said that this bill would end up banning "all food and beverage advertising" within certain time periods. How did you come to that conclusion?

Mr. Ronald Lund: It would be all high-end foods, so basically—

Mr. Doug Eyolfson: Your exact words were that this could "ban all food and beverage advertising" at certain times of day.

Mr. Ronald Lund: Yes.

Mr. Doug Eyolfson: All food and beverage advertising?

Mr. Ronald Lund: That were high in sugars and fats.

Mr. Doug Eyolfson: That's not what you said, so we want to clarify. You don't mean to say it would ban "all food and beverage advertising" during these times.

Mr. Ronald Lund: No, I said it "could". Yes, you're right. You're right, the word is "could".

Mr. Doug Eyolfson: You mean it could ban all food and beverages.

Mr. Ronald Lund: That's what I said, yes, "could".

Mr. Doug Eyolfson: How could it?

Mr. Ronald Lund: It could if it was high in saturated fat, sugars, or sodium and it was playing—

Mr. Doug Eyolfson: Okay, but that's not what we're talking about. The statement you made was that it could—

Mr. Ronald Lund: Yes.

Mr. Doug Eyolfson: —ban—

Mr. Ronald Lund: Yes.

Mr. Doug Eyolfson: —all food and beverage advertising.

Mr. Ronald Lund: And I think the word "could" is the right word.

Mr. Doug Eyolfson: All food and beverage advertising?

Mr. Ronald Lund: It could, yes, if it was all high—

Mr. Doug Eyolfson: How? How could a beverage—

Mr. Ronald Lund: If all the foods were high in fats, sugars, and —

Mr. Doug Eyolfson: We're going in a circle here. This is not what we're saying. You're saying "all food and beverage advertising", not all with the qualifier "if".

Mr. Ronald Lund: Could.

Mr. Doug Eyolfson: Are you saying it could ban all food and beverage advertising? Are you saying that?

Mr. Ronald Lund: It could.

Mr. Doug Eyolfson: How could it?

Mr. Ronald Lund: It could be on television at eight o'clock and it would be high in saturated fats or—

Mr. Doug Eyolfson: That's not what we're saying, sir.

I don't know if you don't understand or whether you're deliberately trying to put in this qualifier that wasn't in your statement. There are foods that are not high in fat or salt or unhealthy things. Baby carrots, I think we would all agree, are healthy.

Mr. Ronald Lund: Are they advertised?

Mr. Doug Eyolfson: They actually are advertised.

Mr. Ronald Lund: Yes.

Mr. Doug Eyolfson: They're advertised, yes.

Mr. Ronald Lund: Where was that?

Mr. Doug Eyolfson: They've been advertised all over the United States for years. There has been some advertising in Canada as well.

Could a brand of vegetables be banned under this?

Mr. Ronald Lund: I'm sorry, but I'm missing the point you're getting to.

Mr. Doug Eyolfson: The point is that you said that all food and beverages advertised during—

Mr. Ronald Lund: Well, then, I will retract that. "Could" be banned.

Mr. Doug Eyolfson: All food and beverage—

Mr. Ronald Lund: I'll take the word out.

Mr. Doug Eyolfson: You're claiming all food and beverage advertising could be banned?

Mr. Ronald Lund: Most. Would you prefer "most"?

Mr. Doug Eyolfson: Most. Yes, that's fine. I would. If that's what you're saying, I would accept that.

Mr. Ronald Lund: Okay.

Mr. Doug Eyolfson: Thank you.

There was a statement made—not by you—that advertisers could self-police. Do you think that's a reasonable proposition, that advertisers would self-police their content with regard to healthy advertising to children?

● (1640)

Mr. Ronald Lund: We have been.

Mr. Doug Eyolfson: All right.

We had some testimony last week and some data out of Australia which showed that in the mid-2000s, when this was done, when they gave voluntary standards, first of all, not every advertiser signed onto the voluntary standards. In fact, with self-policing instead of industry guidelines, this would help, but when this was done, they actually found that after this self-policing regimen, the amount of unhealthy advertising to children actually increased and that it was an abject failure. This was actually in our testimony by a witness last week.

How do you respond to that?

Mr. Ronald Lund: I don't know that particular study. I will only speak to Canada.

Canada, as I pointed out, had a self-regulatory system long before the government was involved, since 2007. As I pointed out in my testimony, we think we can do better and we are consequently in favour of putting further restrictions on marketing of food to children, food that is high in fats and sodium. That's in there.

I would also point out for the benefit of the committee—because we always point to 1978—that as I think Mr. Warshawski and others know, in fact obesity in children has plateaued, according to the last studies put out by the government both in 2011 and in 2014. It doesn't mean there's not an issue. It just means that depending on when you take your start date, it looked really bad, and lately it's less bad.

Perhaps part of that was through self-regulatory programs that were put into place. Nonetheless, we can do better.

Mr. Doug Eyolfson: All right, thank you.

Sports Matters, has there been any exploration of other kinds of sponsorships for any companies? Has there been any dialogue with, say, companies that produce sports equipment? Have you explored any of these other avenues, companies making products that could help to sponsor minor or amateur sport? Have you been talking to any of these companies about this?

Ms. Lindsay Hugenholtz Sherk: Yes. I think if you look at the websites of the various national sports organizations, you'll see there are many different categories of sponsors for amateur sport. What we're specifically talking about today is community and youth sport, which is not a property that's easily commoditized in terms of value. The ones we are talking about are providing significant subsidies to the cost of programming.

Based on what I'm hearing from the experts, the ability to find a sponsor to step in to that position is very limited. If we felt that we had enough sponsorship in amateur sport, I don't think you'd be hearing about the athletes asking for additional funding through the athlete assistance program. I don't think you would be hearing about some of the debates between amateur sports which are losing funding because they didn't have the performance at the Olympics or Paralympics.

We know we are underfunded in amateur sport, and if there are other organizations from a private perspective that would like to step up and support, we are absolutely open to that.

The reality is that there's a significant amount of support that comes from food and beverage companies, so the gap that would be created by the way the bill is currently written would be significant. We would see immediate impacts in terms of access to and subsidies for children's programming.

The Chair: Thank you very much. The time is up.

That concludes our seven-minute rounds. We go to five-minute rounds now, and I'll remind everybody that five minutes go by very quickly.

Mr. Lobb, you're up.

Mr. Ben Lobb (Huron—Bruce, CPC): Thank you, Mr. Chair.

To Dr. Eyolfson's points, I'm pretty sure that the Minister of Health has allowed an exemption for Timbits, and I'm pretty sure Timbits are just flour and sugar. So when Mr. Lund says "could" and "possible", I think he's fair to say that in some ways.

In addition, at the last meeting I couldn't get a definition of what an unhealthy food was, and I doubt Mr. Eyolfson would like to put himself on the line today and give the committee that definition.

I don't know Mr. Lund. I'm sure he's a fine guy. However, when he says "could", I think that's perfectly fine that he says that.

Ms. Voyer, obviously you have the experience in Quebec, and my question for you is about Timbits. Is Tim Hortons allowed to do sponsorships in the province of Quebec?

[*Translation*]

Ms. Corinne Voyer: I will answer in French.

In Quebec, discreet mentions of sponsorships are permitted. The Guide to the Application of Sections 248 and 249, Consumer Protection Act, permits sponsorship of that kind.

My team is not able to go into the field to monitor everything that is going on in Quebec. However, we have complained before about some sponsorships that, in our opinion, were not discreet mentions. As an example, mascots or the free distribution of food at sporting events in Quebec are not allowed if they are directed at children. There have been warnings, and violation notices have actually been issued, and the required corrective measures have been taken.

As for Tim Hortons—

● (1645)

[*English*]

Mr. Ben Lobb: Timbits hockey is allowed.

Ms. Corinne Voyer: If it's sober, which means a small logo. It's "sub", not "sober". "Sub" means not appealing to kids. The answer is yes, it's okay if it's not appealing to kids.

Mr. Ben Lobb: What about chocolate milk?

Ms. Corinne Voyer: It's the same thing. Every product, as long as it's not appealing to kids, is okay. It is possible to have some kind of sponsorship as long as it respects the criteria of the legislation in Quebec.

Mr. Ben Lobb: You can see the trouble we're getting into here, because, on the one hand, we have a respected doctor here who's outlining different foods, saturated fats, sugar levels, and sodium levels, and we can have a pretty good debate on that. Then, in your example, you look at the way.... I'm not criticizing, I'm just saying we're here as a committee, and you're saying it's the way in which it is advertised. You read between the lines, kind of. I would read between the lines.

I think the problem this committee has with this bill, and should have, is that Timbits hockey has been allowed for 20-plus years, which, I would say, if I had a kid in Timbits hockey, Timbits hockey means Timbits, and that's part of the problem.

Then there are scoreboards. Can Gatorade or Coca-Cola advertise on scoreboards at arenas, baseball fields, or soccer pitches?

[*Translation*]

Ms. Corinne Voyer: According to the legislation, in Quebec, advertising directed at children is prohibited for all products; it does not matter whether the products are food or toys.

The Quebec legislation has defined three criteria. First, the product must appeal to children. Do sugary drinks appeal to children? The answer is yes. The second criterion deals with the place in which the advertising as shown. Is it in a place where children come together? So can we assume that an arena where children come together to play team sports is a place intended for children? The answer is yes. The third major criterion is the way in which the message is presented.

[*English*]

the way it is promoted. This is very important in the legislation.

[*Translation*]

If the advertising is presented in a way—

[*English*]

Mr. Ben Lobb: I'm sorry, but I'm on limited time.

The point I would make is, it's by exemption. Everybody understands that, the better the lobby, the better the case you can make, the better chance you have for the exemption to be overturned.

What I point out is, the City of Ottawa has endorsed this bill. If you're any kid in grade 8, what do you come to Ottawa for? A Beavertail. There's a Beavertail stand right in front of city hall. According to this bill, Beavertails are going to be extinct, as far as I'm concerned. This has far-reaching implications, and it deserves a lot more than just the two or three meetings we're going to have.

The Chair: Thank you very much.

Now we go to Mr. Oliver.

I understand you might split your time.

Mr. John Oliver (Oakville, Lib.): Thank you very much, Chair. I'll be sharing my time with my colleague Mr. Maloney.

The Chair: I'll let you know at two and a half minutes.

Mr. John Oliver: Thank you, that would be perfect.

Thank you very much for your testimony today.

Erica, I have to say, it's always wonderful to meet an Olympian. Thank you so much for sharing your time and your thoughts with us today. It's wonderful.

I sat for a bit on a Heart and Stroke advisory panel, and I heard about a study from Queen's University that I thought was fascinating. The conclusion was that it's better to be active and a little bit overweight than it is to be inactive and the right weight. I draw on that sort of health conclusion when I listen to the conflicted testimony here. No question, I think that anyone on this panel is going to say that continued advertising on television, radio, and in stores of foods that are unhealthy for children is unacceptable, and the bill aims at targeting that.

There seems to be, I hope, an unintended consequence, though, when it hits sports sponsorship. My kids all grew up in sports, and when I see Participaction, Hockey Canada, Softball Canada, and Canada Soccer, all of whom were part of my kids' upbringing, being potentially impacted by this legislation, then I'm really concerned about that

I understood the original bill was eight pages and that huge sections have been stripped out, particularly around deeming, and where it did ban, it didn't say sponsorship couldn't happen. That's all gone now. I'm wondering, in the specific recommendations that you made, it sounded more like the food industry's or the advertising industry's concerns than sports sponsorship's concerns.

I worry that you're causing what is a good bill.... If it no longer really impacts sports sponsorship, why are you here?

● (1650)

Ms. Lindsay Hugenholtz Sherk: Thank you for the opportunity to clarify.

We're here specifically because Mr. Eyolfson—who we generally really appreciate—and, I believe, Mr. Blair, on behalf of the minister, indicated that community sport would be exempted from the bill. However, community sport does not encompass all amateur sport, and we wanted to clarify that it's really important that provincial-level and national-level sport organizations and our Olympic athletes are—

Mr. John Oliver: Okay, so if we worked, then, to see if we could broaden the definition of the exemptions, you would be happy, and otherwise, the bill is doing a really good health service to our children. Is that right?

Ms. Lindsay Hugenholtz Sherk: We are very supportive of the bill.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Perfect, and thank you, Mr. Oliver.

Just to pick up on what he said, there are a couple of things I have heard around this table.

The bill is noble in its goals. I'm just not sure that in its present form it accomplishes those goals. I know that's why you are here. That's my view too.

Comparing it to tobacco advertising is a bit unfair in my opinion, because McDonald's and Tim Hortons have healthy eating options. I'm pretty sure tobacco companies didn't have healthy smoking options. It's dramatically different. It's a different time frame.

What we're talking about is the advertising. If we're to achieve the goals the bill sets out to achieve, we can't do it at the expense of youth sports. One of my favourite times of the year is Christmas, and it's not because I believe in Santa Claus; it's because I like watching the world junior hockey championship. They generate millions of dollars in advertising revenues from that event. In fact, I think it's their biggest revenue generator of the year. That money, in large part, is used for amateur and youth sports programs. If that revenue source is decreased or hurt, that's going to hurt kids' ability to participate in sports. You touched on this earlier.

I'm also concerned by any letter that's signed by pretty much every significant person in the amateur sport field in Canada who is opposed to this bill.

Can you give us some idea of the decrease in revenue so far? You said it's already had an impact. How do you see the impact going forward, and what does it mean in terms of numbers for young people's participation in sports? If it's going to cost more for families to play hockey and soccer, this is a bad thing, full stop.

Ms. Lindsay Hugenholtz Sherk: I'll use two examples. First of all, soccer is one of our more high-profile, high-participation sports in Canada. I would argue, as a layperson, that Canada Soccer would be able to solicit sponsorship more easily than Wrestling Canada, because of participation, broadcast, and the professional nature of the sports. Canada Soccer has already indicated that one-third of their existing sponsorship at their national program is in jeopardy.

Mr. James Maloney: I'm sorry to interrupt, but I'm almost out of time.

Are there advertisers waiting in the wings to fill these voids?

Ms. Lindsay Hugenholtz Sherk: No.

The Chair: Thank you very much.

Now we go to Ms. Gladu for five minutes.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

The first thing I want to pick up on is that I was a bit surprised, Dr. Warshawski, when you said it's really not about exercise and being more active; it's really about not being obese.

I used to be a triathlete. I hang out with a lot of people who are athletic. I may not be as athletic as I used to be, but I would argue that when we were doing that kind of workout, we could eat anything. Don't judge me, but we were consuming McDonald's, Timbits, and all those things, and we were not obese.

Where is the research that says it doesn't matter if you're not active?

● (1655)

Dr. Tom Warshawski: I don't think I ever said it doesn't matter.

If you exercise a great deal, if you're a marathon runner or training for a triathlon, it is possible to outrun your fork. However, on a population basis, that's not the case. A number of studies have looked at this.

For example, if you look at the number of calories you drink in 20 ounces of Coke, an adolescent would have to jog for 50 minutes to wear that off. The balance just isn't there. Is it possible? It's certainly possible, but on a population basis, is it likely? No. It's extremely improbable.

We're looking at what's going to have the biggest influence on a population. When you look at these dietary or lifestyle interventions, like the DIETFITS study I just quoted, the difference there and what caused the weight loss was the change in people's eating habits. Their actual energy expenditure probably increased by 50 kilocalories per day. The calorie intake decreased by around 500 calories per day. That's where the return on investment is.

Ms. Marilyn Gladu: When it comes to the definition of unhealthy food, I've heard a number of people comment that it's not clear. Is it clear to everyone here what is unhealthy and what is not?

I'll start at this end.

[*Translation*]

Ms. Corinne Voyer: In the opinion of the coalition, the definition of junk food ideally would correspond to the current labelling strategy on the front of the packaging. Scientific studies on sugar, salt, and saturated fats are clear as to the effects of those products on the health.

For us, a definition matching those factors would be ideal.

[*English*]

Ms. Lindsay Hugenholtz Sherk: Our context is the wording in the bill and the ability for us to continue the partnerships with existing sponsors. As previous members have mentioned, Tim Hortons is a big sponsor of Timbits hockey and soccer. They have what I perceive to be healthy options and they have what I perceive to be unhealthy options. The bill currently does not clarify for us which of our private sector sponsors would no longer be able to provide investments.

Mr. Ronald Lund: For us, as we have pointed out in our testimony, there are no unhealthy products by themselves. A comparison with tobacco came up. When used as intended, even one puff of tobacco—maybe even marijuana in the not-too-distant future—will be unhealthy for you. But any food product used as intended is not going to harm you. It also, as I say, comes through the food guide and comes through other places. Everyone talks about healthy or unhealthy diets but not about unhealthy products, because it would start to become a claim that a food product was a healthy product, which would not be acceptable.

Ms. Marilyn Gladu: You mentioned something about charter challenges. I think you said it at least three times. Can you elaborate on which charter challenges you expect to see?

Mr. Ronald Lund: It would only be on proportionality. Again, we are for helping with the obesity problem in children. That's one thing we're squarely for. Where we have problems is when it starts to take in significant swaths of adults and basically gets us out of food marketing to adults, period. That would be a great overstep. It was a great overstep at 17, as Mr. Warshawski pointed out. It would be easily challenged if in fact adults were taken in by this legislation based not on the legislation itself but on where the Health Canada white paper was going. They specifically put in those time zones, which present a major problem to us. They put in the Internet wording, which is a major, major problem. I mean, Google has gone on the record saying that if the language, as per the Internet language, went through, they would not accept any more food or beverage advertising. They just couldn't live up to whatever that meant.

Dr. Tom Warshawski: I have a couple of things.

I didn't actually say that the age 13 to 17 was an overstep. I said it was a strategic retreat in the face of the threat of a charter challenge. I think it was a strategic retreat. I'd leave that wording in there, please.

I think the tobacco example or allegory is a good one. Tobacco is not a lethal product for everybody. Of the people who smoke a pack a day of tobacco, 80% will have a shortened lifespan, but 20% will live as long as anybody else. This doesn't mean it's a good product. All these things, everything we do, are about the gradient of risk and amount of dosage.

This brings me to the question you had, Marilyn, about how you define healthy versus unhealthy. There is an emerging evidence base about this. One of the things Health Canada has put forward is 15% of daily value, which Ron Lund is in support of, versus 5%. One thing I want to bring your attention to is that the 15% daily value is based on a 2,000-calorie-per-day diet that an adult would have. Erica would eat double that when she's training. But for a child, that same volume would probably be 20% or 30% of what they eat. So this 15% threshold for children is grossly inadequate. There's an evidence base for that.

● (1700)

The Chair: Thank you very much.

Now we go to Ms. Sidhu.

Ms. Sonia Sidhu (Brampton South, Lib.): Chair, I'll be sharing my time with James.

Thank you to all the panellists.

Erica, all Canadians are proud of you.

Dr. Warshawski, you said that elevated BMI increases diabetes and heart disease, and that 10% of families have illiteracy problems and 10% have mental health issues. In your opinion, what necessary steps should Canada take to manage the marketing of unhealthy food and beverages directed towards children?

Dr. Tom Warshawski: As the chair of the Stop Marketing to Kids Coalition, we strongly supported the original bill, S-228, to restrict the marketing of unhealthy foods and beverages to children and youth under the age of 17. That's consistent with the World Health Organization's recommendations in the recognition of adolescent vulnerability. I also think it's reasonable for a government to consolidate around protection under the age of 13 for now, spend the next few years looking into how to provide meaningful protection to youth while at the same time not overstepping the ability to market unhealthy food and beverages to adults. It is not that I think that's a good thing to do, but on the other hand you draw the line somewhere; you let people take care of themselves. That's number one.

Number two is I believe in supports. I believe it's an important thing to augment good health. Physical activity is good in itself, irrespective of what it does with weight. I think it's a shame that sporting organizations are forced to make a deal with the devil. That's overstating things, but you don't want to eat or drink that stuff. You don't want kids eating and drinking that stuff. You just need the money to pursue your Olympic dream. I think there have to be other ways to help you in this.

Ms. Sonia Sidhu: Thank you.

Mr. James Maloney: Thank you.

I'll pick up on that, Doctor. I agree with everything you've said so far, except for the last part. This piece of legislation is a noble goal, but in your opinion, if this bill has the effect of preventing, curtailing, and hurting tens or hundreds of thousands of kids from participating in sports, do you still think it's a good bill?

Dr. Tom Warshawski: No. I think I said that this coalition—I shouldn't just say "me"—supports the government's stance that it's going to exempt sponsorships, certainly at the community level. This is the first I've heard about international and more of a corporate level. You have to pick the hill to die on, which one I think is really important. I think that core restricting marketing is very important.

I think sports have to continue. That's very important for now. You're accepting the marketing vehicles for unhealthy food and beverages. Okay, we'll go ahead with that. Let's look at its impact. Let's see if we could do something better. That's not optimal, but for now I think it's okay.

Mr. James Maloney: Maybe for Sport Matters, the advertising dollars for the world junior championship example that I used, those ads are targeted at people like me. They're not targeted at kids so much. The revenue from those ads goes toward kids' programs. Am I right?

Ms. Lindsay Hugenholtz Sherk: It goes back. There's a split sharing between the International Ice Hockey Federation and Hockey Canada. Hockey Canada reinvests its revenue into Hockey Canada programs.

Mr. James Maloney: I don't know if this is an appropriate question or not. Is there any way of your getting back to us on what the numbers are, what this means? You talked about 470,000 kids earlier. If this bill were to pass in its present form, is there any predictive ability to say this is what it means to minor hockey in Canada, the number of kids or the number of dollars, without disclosing how much ad revenue the tournament generates?

Ms. Lindsay Hugenholtz Sherk: We have to keep in mind that the world juniors is just one of many vehicles for Hockey Canada.

Mr. James Maloney: I'm a hockey fan, which is why I keep using that example, that's all.

Ms. Lindsay Hugenholtz Sherk: Obviously, Hockey Canada was very involved. In fact, Canada Soccer and Hockey Canada were very involved. The information I have is at my disposal now. I'm happy to go back to Hockey Canada and ask them for more details. I think there is some sensitivity in what they can....

Mr. James Maloney: Right, and I don't want to cross that line, obviously.

Ms. Lindsay Hugenholtz Sherk: These numbers are very confidential. We have to remember the number 470,000, which was provided by Hockey Canada, is based on their provincial, territorial, and regional jurisdictions. That's what they control. That doesn't include but doesn't limit this impact to Timbits hockey, which is not a Hockey Canada program. That is a Tim Hortons program.

● (1705)

Mr. James Maloney: Erica, you distinguished between teammates and other people involved in sports. Some sports attract sponsorship more easily than others. I'm assuming this bill would make it even more difficult for those sports that already have a hard time attracting sponsors.

Ms. Erica Wiebe: That's correct. Hockey Canada is definitely a different beast from Wrestling Canada. Currently, Wrestling Canada is the most successful Olympic summer sport program in Canada. We've won Olympic medals at every games since 1988, I believe, but we currently don't have a single private sponsor. It is very difficult in the landscape right now to gain private sponsors for sports organizations.

Mr. James Maloney: We all watched—

The Chair: Mr. Maloney, you're over.

Now we go to the last questioner, Ms. Ramsey, for three minutes.

Ms. Tracey Ramsey: First of all, I want to address something Mr. Lund said, and this comes from the Heart and Stroke Foundation of Canada. It's about this industry self-regulation. It says that industry self-regulation is a failure. Research shows that 90% of foods and beverages marketed to kids on TV and online are high in salt, fat, and/or sugar. Examples of foods that meet CAI standards and are healthy choices for kids are Froot Loops, Eggo Waffles, and Lucky Charms.

I think there's a strong argument against the self-policing that has resulted in these foods being marketed to kids. That's from the Heart and Stroke Foundation.

My last question, because it has been discussed quite a bit here, is about this idea of a charter challenge. If the federal government genuinely fears that ambitious marketing restrictions will face a successful court challenge, couldn't it simply refer the legislation to the Supreme Court of Canada for an opinion, rather than preemptively settling for an unambitious approach?

I'll open it to comment.

Mr. Ronald Lund: There are two things here.

To your first question, we have to go on the record and we'd certainly be more than happy to provide you an assessment. The Heart and Stroke report is not entirely valid, let's just say.

Ms. Tracey Ramsey: If you could send something to the committee to that effect, that would be appreciated.

Mr. Ronald Lund: We'd be more than happy to do that.

Ms. Tracey Ramsey: Thank you.

What about the charter challenge?

Mr. Ronald Lund: In terms of the charter challenge, we would never tell the government how to go about its business. We just know that, if there's a piece of legislation or if our businesses are significantly harmed in an unreasonable way, such as banning advertising of food directed at adults, then that's a route we would take.

We've also talked with Health Canada many times about it. It's not a route we choose to take. We hope that cooler heads are going to prevail.

Ms. Tracey Ramsey: Okay. I want to get an answer from some of the others.

Do you not think that having the Supreme Court weigh in on this would simply end that question that's hanging about here today? Does anyone else have a response?

Ms. Corinne Voyer: I have a short comment.

[*Translation*]

I do not know whether that answers your question, but the Quebec legislation clearly shows the legal approach and the need, the relevance, of having legislation governing advertising directed at children. If you use the criteria set out in the Quebec act, which has gone through all the stages of the legislative process, there is a good chance that a federal bill could have a positive outcome.

[*English*]

Ms. Tracey Ramsey: Thank you.

The Chair: That's completes our normal round, but we have a little time and so I'm going to propose that we do another round with three minutes each. We'll have one Liberal, one Conservative, one NDP, and then a Liberal again for three minutes. I have to ask you to keep your questions and answers to three minutes, but we all value your testimony so much and we want to hear more.

We're going to start off with Mr. McKinnon for three minutes.

Mr. Ron McKinnon: Thank you, Mr. Chair.

Mr. Lund, in your testimony I believe you took some exception to the language of "healthy" versus "unhealthy". You wanted it clarified more in terms of percentages of specific things, like cholesterol, fat, and so forth. Is that correct?

Mr. Ronald Lund: No. What we said is that "healthy" and "unhealthy" are terms that are not currently anywhere in the health initiatives with Health Canada. They're also not anywhere that we can find in the food guides, etc. They're not terms that are normal.

To say all of a sudden that a food is unhealthy, demonizes products. What we said is we'd like to take the "unhealthy" term and at minimum, if it's just not going to go away, replace that with "high in", because indeed that's where the parts of the legislation that we agree with are going, and that would be high in fats—not cholesterol, fats—sugars, and sodium.

● (1710)

Mr. Ron McKinnon: Okay. I guess that's what I understood from your testimony before.

Dr. Warshawski, would you agree with that sort of clarification of the language.

Dr. Tom Warshawski: I don't really know if it's a clarification or an obfuscation. I mean, when we look at risk, we say once you cross a certain threshold, the relative risk of heart disease or type 2 diabetes increases by 20% to 30%. We would use the term "unhealthy" so people could understand that it correlates with an evidence base.

If you say "high in", I suppose that just adds to consumer confusion. People have said that when they look at the current nutrition facts tables on the back of a box, they wonder what the heck it means, what does percentage of daily value really mean.

I think for consumers to make educated choices, they have to know where the evidence base lies.

Mr. Ron McKinnon: In terms of the law and in terms of saying what is a healthy food versus what is an unhealthy food, would it not be helpful to be able to measure that against specific criteria, to say healthy means *x* amount, *x* percentage or less of cholesterol, and/or *x* percentage or less of something else?

Dr. Tom Warshawski: I think what is being proposed in the Health Canada document is around the daily values, in three areas in particular. There are daily values for vitamins, etc., but these are daily values around saturated fat, sodium, and sugars. That rests upon an evidence base, in terms of when risk begins to increase for heart disease, type 2 diabetes, hypertension, etc., with those particular ingredients.

That also rests upon the assumption of a 2,000-calorie-per-day diet. That is for adult women, around 2,000 calories per day. For children it's significantly less than that. That's where you begin to get into nuances, and the more nuance you require of a consumer, the more fuzzy the messaging gets. There are definitions, daily values, and percentages: they're evidence based.

Mr. Ron McKinnon: Thank you.

The Chair: Ms. Gladu, you have three minutes.

Ms. Marilyn Gladu: Thank you, Chair.

Mr. Lund, you mentioned there was not enough time to prepare with the constraints of this legislation. How much time do you need?

Mr. Ronald Lund: What we did was we married it up with the front-of-package side. When you look at the sponsorships, for instance, which we've heard there could be grave impact, sponsorships can be five years or 10 years in the making for an Olympic sponsorship. When you go down the totem pole to less popular ones, it might be two or three years. That's a big part of it. We're not going to get 10 years, so I'm not asking for 10. We are at least saying that if there is going to be messaging to consumers, there should be a concerted effort that it makes sense, that there's not one piece of legislation over here that says, "This is unhealthy," and then when it comes back on the front of the pack it's going to have "high in".

Again, going back to the language, "high in" and "low in" have been in the food guides for many.... Low was below five, high was higher than 15%. With all due respect to Mr. Warshawski, these are known to the consumers, versus causing confusion. Causing confusion is going to be introducing new nomenclature that is not required.

Ms. Marilyn Gladu: I am interested to know more about the experience in Quebec. Did the rates of obesity fall? Do they continue to fall for children in Quebec under your program?

[*Translation*]

Ms. Corinne Voyer: Quebec is one of the provinces with the best results in terms of the obesity problem. I have a note of caution, however. The Quebec act, which dates from 1980, was not passed to reduce obesity, but for ethical reasons and because of the vulnerability issues involving all forms of advertising. In terms of data on obesity, we were unfortunately unable to measure them in the past.

Obesity is a multifaceted problem. There is no single, unique solution; a host of solutions and strategies will have to be established. The healthy eating strategy that Health Canada is in the process of rolling out is a good way to deal with the problem, if efforts are increased. So, yes, advertising is one of the factors that have to be included, but, as regards the data in Quebec, I cannot give a specific answer.

[*English*]

Mr. Ronald Lund: May I make a comment on that?

I think a very important point was just made: that it is a multifaceted problem. In fact, in terms of how fast it exploded and where it is today, the rates of obesity and overweight in Quebec are basically not statistically different from the rest of Canada. I think it's off the website now, but you can still find the link on Quebec's ministry of health's own website. They talk about the great increase since 1978, and they add that the good news is that it's not significantly different from the rest of Canada. Despite a homegrown test, the obesity rates in Quebec are not dramatically different.

● (1715)

Ms. Marilyn Gladu: If would be great if you could send the link to the clerk.

The Chair: Ms. Ramsey.

Ms. Tracey Ramsey: Thank you, Chair.

I think the crux of today is to have something that's in the best interest of kids and the next generation coming behind us.

In a brief to this committee, UNICEF argued that this bill should follow a similar model to Quebec. Their position reflects the belief that children have the right to grow up in a commercial-free environment, and the difficulty of distinguishing healthy from unhealthy food. Are you confident that Health Canada and the Minister of Health , in this legislation, will have the ability to define unhealthy food in a manner that successfully protects children in our country?

Anyone who wants to respond, go ahead.

Dr. Tom Warshawski: I'll take it.

As the chair of the Stop Marketing to Kids Coalition, I am confident that they will be able to define healthy versus unhealthy, and that these steps are indeed a step in the right direction.

I have one further observation, if I can, at the discretion of the chair. In terms of Quebec legislation and whether or not obesity has decreased, in that age range where the legislation actually applied, age six to 11, they do have a lower rate of obesity. Once they get out of that protection zone, they are adolescents and they're marketed to, that protection is no longer in effect. It actually doesn't surprise me, given the amount of advertising that goes to adolescents. They are just as vulnerable and are just as affected.

Ms. Tracey Ramsey: Does anyone else want to comment on how we determine what is healthy or unhealthy food, and what you see as being a proper capture of both scientific and evidence-based science to determine this?

[*Translation*]

Ms. Corinne Voyer: In our opinion, the science is conclusive in terms of sugar, salt and saturated fat. It has clearly been demonstrated that those products have a negative effect on health and that there are repercussions. Targeting those factors to a small degree will not result in a perfect definition, but 90% of the food items with advertising directed at children have little nutritional value.

What do we find in grocery stores? The boxes of cookies that attract children show chocolate chips, for example, like Chips Ahoy! There are sugary drinks and cookies shaped like bear paws. All these food items are very high in sugar and targeted directly at children. The labelling on the front of the package has to match. I was not able to say this earlier, but we have to make sure that the recommended maximum intake is not in the order of 15% but rather 5% for children, so that children are not consuming quantities designed for adults.

We feel that the labelling on the front of the package has to match; that would have a positive effect.

[*English*]

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: Thank you, Mr. Chair.

Mr. Lund, initially Ms. Ramsey asked a question about the Heart and Stroke Foundation study regarding the failure of self-regulation. You said that was not valid.

Mr. Ronald Lund: I said parts of it were not valid.

Mr. Doug Eyolfson: What parts of it were not valid?

Mr. Ronald Lund: I don't have that with me. I said I would submit it to the committee.

Mr. Doug Eyolfson: So you have no information as to what is available, and what is not valid. Is that correct?

Mr. Ronald Lund: I can give you one example that's probably slightly inaccurate, but not by very much.

In the report, 10 websites are mentioned, for instance. I believe eight of those—again, pardon me for not having my notes—were U. S. sites. One of the products mentioned was not even sold in Canada. I'll just leave you with that for now. I'll submit the rest of the report to you.

Mr. Doug Eyolfson: Would the health effects be different whether or not this was done in Canada or the U.S.?

Mr. Ronald Lund: The study is quoting U.S. numbers for a Canadian study. It is pointing out things that are wrong in Canada, and that would be wrong, yes.

Mr. Doug Eyolfson: One of the points you brought up was that if this were.... We talked about charter challenges. Did you say it was possible that some aspects of this might actually prevent some advertising to adults?

Mr. Ronald Lund: I said that several times, yes.

Mr. Doug Eyolfson: Are you saying any advertising of products to adults is unconstitutional?

Mr. Ronald Lund: I don't know. If there's a ban or restriction of any dramatic size, which is what we're talking about, if that's put in place, that would be overreach, and it would fail the proportionality test, we believe. I'm not making this up. We just go by the constitutional lawyer. It's Peter Hogg, by the way.

● (1720)

Mr. Doug Eyolfson: Can you think of a product that was advertised with that restriction to everybody, including adults, that the courts actually said was constitutional?

Mr. Ronald Lund: Sorry, I'm not sure of your question.

Mr. Doug Eyolfson: Are you aware of any charter challenge that stated whether or not advertising any product to adults was constitutional?

Mr. Ronald Lund: No, I'm not.

Mr. Doug Eyolfson: The Supreme Court of Canada, I believe it was in 2007, actually decided that the restrictions on advertising of tobacco to everybody, including adults, was, in fact, constitutional.

Mr. Ronald Lund: Yes, you'll also find that that charter challenge was based on the fact that the harm being done by tobacco smoke was greater than the harm being done to industry, and that is something you will find is the absolute reverse if this happens to food.

Mr. Doug Eyolfson: Dr. Warshawski, did you not say that right now obesity is doing more harm than tobacco?

Dr. Tom Warshawski: Correct, that's the statistic from global burden of disease.

Mr. Doug Eyolfson: I have no further questions, thank you.

The Chair: I want to thank everybody.

Ms. Ramsey, you said at the very beginning that this was a good day to be on the health committee. It's always a good day to be on this committee.

This is meeting 101, and there has never been one that hasn't been absolutely fascinating, because of the quality of our witnesses and the items we talk about. We talk about things here that affect everybody's life, but the witnesses add so much and bring so many different points of view. We appreciate them very much. We thank you all for your presentations today, and your help with this issue.

Thank you to all of our guest members today who attended.

Clause-by-clause consideration is on Wednesday, so we need amendments by noon tomorrow.

The meeting is adjourned.

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